

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

RUDOLPH P. ROTHWELL JR.

Plaintiff,

vs.

JO ANNE B. BARNHART,  
Commissioner of Social  
Security,

Defendant.

Case No. F05-0012 CV (RRB)

**ORDER RE MOTION FOR SUMMARY  
JUDGMENT AND MOTION FOR REMAND**

Before the Court is Plaintiff Rudolph P. Rothwell, Jr. ("Plaintiff") with a Motion for Summary Judgment (Docket No. 7) and Defendant Jo Anne B. Barnhart, Commissioner of Social Security, ("Defendant") with a Motion for Remand (Docket No. 9). Plaintiff "argues that the [C]ourt should find Plaintiff disabled at step four and remand only for consideration of disability at step five." Clerk's Docket No. 9 at 3 (citation omitted)(emphasis added). Defendant argues "remand for further consideration of Plaintiff's past work and ability to do past work at step four [is more] appropriate." Id. Defendant is correct.

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Having thoroughly reviewed the matter, the Court agrees "that further administrative hearings are not only useful in this case, but that they are necessary to resolve outstanding issues, particularly vocational issues, before a determination of disability [at step five] can be made." Id. (citing Bunnell v. Barnhart, 336 F.3d 1112, 1115-16 (9th Cir. 2003)(remanding for further proceedings because of outstanding issues)). Consequently, Plaintiff's Motion for Summary Judgment (Docket No. 7) is hereby **DENIED**, and Defendant's Motion for Remand (Docket No. 9) is hereby **GRANTED**.

ENTERED this 5<sup>th</sup> day of January, 2006.

/s/ RALPH R. BEISTLINE  
UNITED STATES DISTRICT JUDGE